

# MANDATE

S.D.N.Y.-N.Y.C.  
10-cr-981  
12-cv-7564  
Batts, J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 13<sup>th</sup> day of March, two thousand thirteen.

Present:

John M. Walker, Jr.,  
Richard C. Wesley,  
Christopher F. Droney,  
*Circuit Judges.*

USDC SDNY  
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Errol O'Brien,

*Petitioner-Appellant,*

v.

13-65

United States of America,

*Respondent-Appellee.*

Appellant, *pro se*, moves for a certificate of appealability. Upon due consideration, it is hereby ORDERED that the motion is DENIED and the appeal is DISMISSED because Appellant has not made a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c); *see also Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003).

FOR THE COURT:  
Catherine O'Hagan Wolfe, Clerk

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

SAO-CP  
Catherine O'Hagan Wolfe

Catherine O'Hagan Wolfe

MANDATE ISSUED ON 05/21/2013